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INC.

11 UNITED STATES DISTRICT COURT
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13 NORTHERN DISTRICT OF CALIFORNIA
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15 SAN FRANCISCO DIVISION

16 AARON GREENSPAN,

17 Plaintiff,

18 v.

19 OMAR QAZI, SMICK ENTERPRISES, INC.,
ELON MUSK, and TESLA, INC.,

20 Defendants.
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Case No. 3:20-cv-03426-JD

**JOINT ADMINISTRATIVE MOTION FOR AN
ORDER CHANGING TIME AND EXTENDING
PAGE LIMITS FOR BRIEFING ON
DEFENDANTS' MOTIONS TO DISMISS
THIRD AMENDED COMPLAINT**

(CIV. L. R. 6-3, 7-11)

Judge: Hon. James Donato
Trial Date: None Set
Date Action Filed: May 20, 2020

Pursuant to Civil Local Rule 6-3 and 7-11, Defendants Elon Musk and Tesla, Inc. (together “Tesla Defendants”) and Omar Qazi and Smick Enterprises, Inc. (together “Qazi Defendants”), by and through their respective attorneys, respectfully move for an extended briefing calendar and modest extension of page limitations for briefing on Defendants’ forthcoming motions to dismiss Plaintiff’s Third Amended and Supplemental Complaint (“TAC”). For the Court’s convenience, in the interest of collaboration among the parties on administrative matters, and to avoid piecemeal filings governing the parties’ briefing schedules, Defendants file this motion jointly. This motion is supported by the accompanying declaration of Aarti Reddy, filed concurrently herewith.

Plaintiff’s TAC, like his previous three complaints, asserts a raft of diverse state and federal claims against Defendants. *See generally* ECF No. 103. In the TAC’s 78 pages, it alleges that various of the Defendants violated federal copyright law and securities law, and that they are liable to Plaintiff for libel and civil stalking under California law. As just two illustrations of the TAC’s breadth, it alleges that the Qazi Defendants made 38 separate libelous statements and that the Tesla Defendants violated the securities laws by making dozens of false and misleading statements that fall into 35 separate categories. Plaintiff also appended 350 pages of exhibits to the TAC, further increasing its factual complexity. *See* ECF Nos. 103-1 to 103-13. Both the Tesla Defendants and the Qazi Defendants intend to file motions to dismiss the TAC.

Request for page extension (Civ. L.R. 7-11). In order to best assist the Court by providing a complete set of arguments from the parties on the range of legal and factual issues presented by the TAC, Defendants seek a modest extension of the page limits set for motions to dismiss under Paragraph 18 of this Court’s Standing Order for Civil Cases. Defendants request the same number of pages the Court directed for their respective motions to dismiss Plaintiffs’ Second Amended Complaint and reply briefs in support of those motions. *See* ECF No. 71.¹ Specifically, Defendants propose that the Tesla Defendants and Qazi Defendants each be permitted to file a motion to dismiss of up to 18 pages, that Plaintiff be permitted to file a consolidated opposition brief of up to 36

¹ That order extended the limit for Plaintiff’s opposition brief to 35 pages. In the interest of parity and at Plaintiff’s request, Defendants here propose an opposition brief with page limits equal to the sum of the 18-page limits on both sets of Defendants’ motions to dismiss.

1 pages, and that the Tesla Defendants and Qazi Defendants each be permitted to file a reply of up to
2 12 pages.

3 ***Request for an order changing time (Civ. L.R. 6-3).*** Consistent with this Court's practice
4 for briefing on Plaintiffs' two prior amended complaints, Defendants respectfully submit that it
5 would also be most efficient for the Court and all parties to submit briefing on these motions to
6 dismiss the TAC on a consolidated schedule. Given the TAC's length and complexity, Defendants
7 request that the Court extend the briefing schedule such that their respective motions to dismiss the
8 TAC shall be due on March 12, 2021; Plaintiff's consolidated opposition to any such motions shall
9 be due 28 days thereafter; and the Tesla Defendants' and Qazi Defendants' replies shall be due 14
10 days thereafter.

11 Defendants would have preferred to present this Court with a stipulation to these increased
12 page limits. But despite the volume of his pleadings and the fact that Defendants' proposal broadly
13 comports with the parameters this Court set *sua sponte* for briefing on Defendants' motions to
14 dismiss Plaintiff's Second Amended Complaint, *see* ECF No. 71, Plaintiff has refused to give his
15 consent to these changes. *See* Declaration of Aarti G. Reddy ¶¶ 2-3.

16 Accordingly, Defendants respectfully request that this Court enter an order extending the
17 page limits and deadlines for briefing on any motions to dismiss the TAC as described above.

18
19 Respectfully submitted,

20 Dated: February 19, 2021

COOLEY LLP

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22 By: /s/ Aarti Reddy
23 Aarti Reddy (274889)

24 Attorneys for Defendants
25 TESLA, INC. and ELON MUSK
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1 Dated: February 19, 2021

KRONENBERGER ROSENFELD, LLP

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3 By: /s/ Karl S. Kronenberger

4 Karl S. Kronenberger (226112)

5 Attorneys for Defendants
6 OMAR QAZI and SMICK ENTERPRISES,
7 INC.

8 **ATTESTATION OF SIGNATURES**

9 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
10 document has been obtained from each of the other signatories.

11 Dated: February 19, 2021

/s/ Aarti Reddy

12 Aarti Reddy

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